

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director
and Attorney-in-Chief

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

May 2, 2022

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

**RE: United States v. Pierre Girgis
22 Cr. 06 (KPF)**

Dear Judge Failla:

I write to provide a status update in the above-captioned case, which was reassigned to Your Honor from the Honorable Alison J. Nathan. With the consent of the Government, the defense requests that the Court vacate the existing May 2 and May 16, 2022, status-update deadlines and schedule a status conference for a date in the middle or end of June.

At the initial conference, which occurred on February 16, 2022, the defense briefly addressed with Judge Nathan the significance of the Government's notice that it intends to rely on evidence derived or obtained from foreign intelligence surveillance. Dkt. No. 11; 50 U.S.C. §§ 1806(c) and 1825(d). In light of the exchange, Judge Nathan directed the defense to provide a status update by March 30, 2022, regarding any motions to compel it intends to file and a status update by May 16, 2022, regarding a Rule 12 motion schedule.

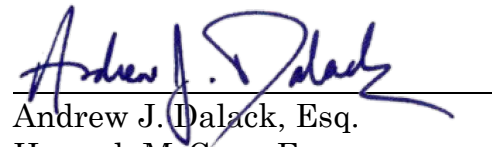
On March 9, 2022, the Government made its first discovery production, which included, inter alia, thousands of documents; forensic cell phone and electronic storage extractions; and thousands of recorded telephonic communications, most of which are in Egyptian Arabic. On March 30, 2022, the defense moved for an extension of the deadline to set a schedule for any motions to compel to May 2, 2022, which Judge Nathan granted. Dkt. No. 19.

On April 21, 2022, the Government informed the defense that it was preparing another discovery production containing approximately 500 gigabytes' worth of materials. The defense conferred with the Government today and expects that the additional discovery will be produced forthwith. Given these developments,

the defense respectfully submits that it cannot meaningfully assess and announce by May 2 or May 16 the Rule 12 motions it ultimately intends to file, and requests that the Court hold a status conference in June to discuss a motion schedule.

Time under the Speedy Trial Act is currently excluded through May 17, 2022, pursuant to 18 U.S.C. § 3161(h)(7)(A). The defense consents to excluding this new period of delay under the same provision, as the time is necessary to give the defense an adequate opportunity to receive and digest the voluminous discovery produced and to-be-produced. Thank you for considering this application.

Respectfully Submitted,



Andrew J. Dalack, Esq.
Hannah McCrea, Esq.
Assistant Federal Defenders

Cc: AUSA Elinor Tarlow, Esq.
AUSA Kyle Wirshba, Esq.

Counsel for Pierre Girgis

Application GRANTED. The Court hereby VACATES the May 2 and May 16, 2022 status update deadlines. Additionally, the Court hereby ORDERS the parties to appear for a status conference on **June 23, 2022, at 11:00 a.m.**

Lastly, it is further ORDERED that time is excluded under the Speedy Trial Act between May 17, 2022, and June 23, 2022. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and Mr. Girgis in a speedy trial because it will permit defense counsel to continue to review discovery and determine whether to file any pretrial motions.

The Clerk of Court is directed to terminate the motion at docket entry 20.

Dated: May 3, 2022
New York, New York

SO ORDERED.

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HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE